IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

MACA.No. 802 of 2007()

OPMV.373/2001 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT/PETITIONER

JOHNSON, S/O KALLIYATHUPARAMBIL
PAULOSE, PERAMBRA DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.BINOY RAM V.

RESPONDENTS: RESPONDENTS
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1. SMT. S.USHA(OWNER)W/O. SREENIVASAN,
IIND CROSS-RAMALINGA NAGAR, K.K.PUDUAR,
COIMBATORE.

2. MUTHUKUMAR,(DIVER), S/O SANTHANAM,
59, SUBRAMANIYA STREET, COIMBATORE.

3. THE MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
BRANCH OFFICE, DOOR NO.378, NANJAPPA ROAD,
COIMBATORE.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.802 of 2007

Dated 18th June, 2007

JUDGMENT

Koshy,J.

Appellant met with a motor accident on 18.3.2000 by which he sustained fracture of both bones of the right leg. He produced a certificate showing that there is 20% disability. That was accepted and compensation was calculated taking 15 as the multiplier. He was aged 42. Entire medical expenses were reimbursed and the total compensation awarded was Rs.1,88,111/=. He was working as a marble worker under PW3 and getting a monthly income of Rs.3,900/=. That was not accepted as no evidence was produced to show that PW3 has ability to pay such an amount. Ext.A6 salary certificate was not believed and Rs.2,000/= was taken as the monthly income. Considering the nature of injuries and the total amount awarded, no further enhancement is necessary.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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